

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA

REPUBLIC FRANKLIN INSURANCE :
COMPANY :
180 Genesee Street :
New Hartford, NY 13413 :

Plaintiff :

v. Case No.:

THOMAS A. SMITH :
13116 Elk Run Road :
Bealeton, VA 22712 :

And :

MEDFORD J. BROWN, IV, :
ADMINISTRATOR :
OF THE ESTATE OF MARK M. :
MADDOX :

and :

GOVERNMENT EMPLOYEES :
INSURANCE COMPANY :
Serve: Beth Roberts :
1345 Perimeter Parkway :
Virginia Beach, VA 23454 :

and :

PROGRESSIVE CASUALTY :
INSURANCE COMPANY :
Serve: :
CT Corporation System :
4701 Cox Road :
Suite 285 :
Glen Allen, Virginia 23060 :

and

GLOBAL AUTOMOTIVE, INC.

Serve:

Judy Hamilton
10526 Global Way
Bealeton, Va 22712

and

ACCIDENT FUND HOLDINGS, INC. A/K/A AF GROUP

Serve:

Secretary of the Commonwealth

and

JOHN WAYNE HEDDINGS

4518 Catlett Road
Midland, VA 22728

Defendants

COMPLAINT FOR DECLARATORY RELIEF

COMES NOW the plaintiff, Republic Franklin Insurance Company, by and through counsel of record, Law Office of Sanford Friedman, LLC and pursuant to Federal Rule of Civil Procedure 57 and 28 U.S.C. 2201 hereby files this complaint for declaratory relief against the defendants Thomas A. Smith, Medford J. Brown, IV, Administrator of the Estate of Mark M. Maddox, Government Employees Insurance Company, Progressive Casualty Insurance Company, Global Automotive, Inc., Accident Fund Holdings, Inc. a/k/a AF Group, and John Wayne Heddings, and as grounds for said complaint, states as follows:

1. At all times mentioned herein, the plaintiff, Republic Franklin Insurance Company was a corporation incorporated in New York, with its principal place of business in New York.
2. At all times mentioned herein, the defendant Thomas Smith was a resident of the Commonwealth of Virginia.

3. At all times mentioned herein, the defendant Medford J. Brown, IV, Administrator of the Estate of Mark Maddox was a resident of the Commonwealth of Virginia.

4. At all times mentioned herein, the defendant Government Employees Insurance Company was a Maryland Corporation with its principal place of business in Maryland.

5. At all times mentioned herein the defendant Progressive Casualty Insurance Company was an Ohio corporation with its principal place of business in Ohio.

6. At all times mentioned herein, the defendant Global Automotive, Inc. was a Virginia Corporation with its principal place of business in Virginia.

7. At all times mentioned herein, the defendant Accident Fund Holdings, Inc. a/k/a AF Group was a Michigan corporation with its principal place of business in Lansing, Michigan.

8. At all times mentioned herein, the defendant John Wayne Heddings was a resident of Virginia.

9. Jurisdiction of this court is founded upon 28 U.S.C. §1332(a) and the amount in controversy is in excess of \$75,000.00.

10. On or about April 1, 2016, the defendant Thomas A. Smith was operating a Ford vehicle in a northerly direction on Catlett Road at or near its intersection with Global Way in Fauquier County, Virginia.

11. At the same time and place, Mark Maddox was operating a Geo vehicle in a northerly direction on Catlett Road behind the plaintiff's vehicle, when the vehicle operated by Mark Maddox struck the Smith vehicle in the rear.

12. As a result of the above mentioned collision, Thomas Smith filed suit against Mark Maddox in the Circuit Court for Fauquier County, Virginia, Case No. CL18000035-00. Mark

Maddox subsequently passed away, and on July 31, 2018, an Amended Complaint was filed naming Medford J. Brown, IV, Administrator of the Estate of Mark M. Maddox as a defendant.

13. The plaintiff, Republic Franklin Insurance Company was served with process in the action brought by Thomas Smith as a purported underinsured motorist carrier, along with Government Employees Insurance Company.

14. The vehicle that was being operated by Thomas Smith at the time of the accident in question was owned by John Wayne Heddings and had been taken to Global Automotive, Inc. for service. The Hedding's vehicle had a policy of insurance with defendant Progressive Casualty Insurance Company. Global Automotive, Inc. had a policy of insurance with the plaintiff Republic Franklin Insurance Company.

15. Pursuant to the policy of insurance in effect at the time of this accident for Global Automotive, the Uninsured/Underinsured Motorist Coverage in effect at the time of the loss applied only to "Owned Autos Subject To A Compulsory Uninsured Motorists Law". The vehicle operated by Thomas Smith at the time of the accident giving rise to this action was not owned by Global Automotive.

16. The plaintiff seeks a declaration by this court, that the policy issued by plaintiff does not provide uninsured/underinsured motorist benefits under the policy. The vehicle operated by Thomas Smith was not an "owned auto", and accordingly, there is no obligation to provide uninsured/underinsured motorist benefits under the policy.

WHEREFORE, the plaintiff Republic Franklin Insurance Company, hereby seeks declaratory judgment, that the policy of insurance issued by plaintiff to Global Automotive in effect at the time of the loss in question does not provide for uninsured/underinsured motorist coverage for Thomas Smith under the policy.

Respectfully submitted,

/s/ Sanford A. Friedman, Esq.

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